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# CITY & REGION

SECTION  
**B**

THE BUFFALO NEWS

Tuesday, February 26, 2008

## School investigator promises impartiality

*Says probe of McKinley  
could be done in 30 days*

By PETER SIMON

NEWS STAFF REPORTER

David L. Edmunds Jr., who will conduct the investigation into Jayvonna Kincaannon's suspension, on Monday evening promised the Buffalo Board of Education that his probe will be impartial, that it will treat all parties with "respect and dignity" and that it could be completed in as little as 30 days.

"I'm independent," Edmunds said during a 75-minute dialogue with the board's



**David L. Edmunds Jr. tells Buffalo School Board about how he intends to approach McKinley High School investigation.**

Harry Scull Jr./Buffalo News

Executive Affairs Committee. "I'm a fact-finder. I want to do the right thing."

At the same time, Edmunds, an attorney, vowed to treat everyone fairly in the case involving the McKinley High School senior and to keep details of the investigation confidential until a final report is presented to the board.

"This is not a witch hunt," Edmunds said. "I am not out to harm anyone."

However, Monday's session did little to spell out the scope of the investigation:

- Will it be confined to Jayvonna's seven-week suspension, which was later reduced to five weeks?
- To what extent will it explore the dis-

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# Edmunds expects to be given latitude in probe

**BOARD • from B1**

dismissal of Michelle Stiles, the McKinley volunteer assistant girls basketball coach?

• And will it look at Stiles' removal from the gymnasium last week during a McKinley girls basketball game?

It also was unclear to what extent Edmunds will look at other student suspensions to help determine whether Jayvonna's was excessive, as her supporters contend.

Edmunds said he will prepare a formal proposal on the scope of the investigation before Wednesday's Board of Edu-

cation meeting, when he is expected to be formally approved as special investigator.

But in general terms, he stressed the need to have broad latitude in conducting the probe.

"It's critically important that I know that my ability to ask questions is not going to be impeded in any way," Edmunds said.

Catherine Collins, an at-large member of the board, agreed. "I think we need to give you full rein to do what you have to do," she said.

In response to a question, Edmunds said: "It is my view that 30 days is a reasonable pe-

riod of time" for an investigation to be completed. But he noted that the scope of the probe still has not been decided and suggested that he and the board "take as much time as we need to take" to settle that key issue.

In addition, Buffalo schools are closed for spring break March 17-31, and district personnel might not be in town for questioning or providing records, school officials said.

Edmunds, special counsel at the Phillips Lytle law firm, said the investigation will involve the assistance of one associate, perhaps a paralegal and a word processor. He raised the possi-

bility that Phillips Lytle will do the work for free or at a reduced rate, saying the firm wants to be helpful in that regard "to the extent that we can."

He emphasized repeatedly his intentions to keep the investigation confidential until a final report is released.

"Outside this boardroom, from this day forward, I have nothing to say to the public," Edmunds said. "I'm not going to move into an igloo, and I am going to answer my phone. But I can assure you that whoever calls me, I'll say I can't discuss it. Whether it's my mother or the mayor, I can't discuss it."

Edmunds said he will communicate with the board only through President Mary Ruth Kapsiak, will not issue progress reports, will not send critical correspondence by e-mail and will keep all statements and records under lock and key.

Witnesses will probably not be asked to testify under oath, but to sign sworn statements, Edmunds said. "I think people are eager to come forward and assist us," he said. "I am not envisioning that there is going to be difficulty with the community."

School Superintendent James A. Williams said that "every member of my staff will be available" for questioning and that Edmunds will have access to a tape recording of Jayvonna's suspension hearing.

## Legality of board meeting at issue

By MARK SOMMER

NEWS STAFF REPORTER

The Buffalo Board of Education's Jan. 29 executive session, from which information was leaked to The Buffalo News, appears to have violated state law, according to an expert in New York's Open Meetings Law.

The board's minutes of the special meeting on school construction state that it was adjourned at 7:20 p.m., before reconvening for the closed-door meeting.

"It would appear that this closed session represents a failure to comply with law," said Robert Freeman, executive director of the State Committee on Open Government. "Once the meeting was adjourned, it was over."

Told of Freeman's comments, Stefan Mychajliw, spokesman for School Superintendent James A. Williams, said: "The ethics committee, not members of the public who offer opinions, will determine whether or not board members

violated the law."

The closed-door meeting became the subject of intense scrutiny after sources told The News that Williams said Michelle Stiles, a volunteer girls basketball coach at McKinley High School, was dismissed because of suspicions she was having sexual relations with girls on the team.

Williams told board members he lacked proof to back up the suspicion, sources said. Stiles has vehemently denied the allegations and has hired an attorney to explore legal action.

The situation with Stiles also ensnared McKinley senior Jayvonna Kincannon. She used a cell phone on school grounds in mid-December in an attempt to get on the School Board's agenda and speak on Stiles' behalf. That incident, and two other disciplinary infractions, led to a controversial seven-week suspension that was shortened to five weeks.

Freeman said that if the School Board wanted to enter into executive session, it was obligated to continue without adjournment, or else schedule the closed-door meeting another time. "One of the basic elements of the Open Meetings Law is that the public should have the ability to know when a

public body will be discussing public business. If we hear the word 'adjourn,' it seems to me that's the signal we can all go home," Freeman said.

The special meeting was conducted by the board's Finance and Operations Committee. The minutes were signed by committee chairwoman Pamela Cahill and Gary M. Crosby, the school district's chief financial and operating officer.

West District board member Ralph Hernandez said he tried to warn board members and Kelly Gale Eisenried, assistant legal counsel, before the closed-door meeting was convened that it skirted state law.

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